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- bination to insist that there shall be no dealings with its rivals. 17 Green Bag 210.
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- POWER OF THE SENATE TO AMEND A TREATY, THE. *B. M. Thompson*. 3 Mich. L. Rev. 427. See *supra*.
- PRESENT PROBLEMS OF CONSTITUTIONAL LAW. *J. W. Burgess*. 19 Pol. Sci. Quar. 545.
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- SPECIFIC PERFORMANCE OF CONTRACTS TO MAKE TESTAMENTARY DISPOSITIONS, THE. *Glenda Burke Shymaker*. Showing when and in whose favor equity will interfere. 60 Cent. L. J. 264.
- SUBSCRIPTIONS AND CONTRIBUTIONS TO CHARITABLE ENTERPRISES. *Emilie M. Bullova*. Discussing the necessity of request and acceptance, and the reversion to the donor of a gift not used for the purpose specified. 67 Alb. L. J. 70.
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- TRIAL BY JURY IN GERMANY. *Burt Estes Howard*. 19 Pol. Sci. Quar. 650.
- "VOLENTI NON FIT INJURIA." *N. G. L. Child*. An examination of the application of this maxim to the law of negligence. 17 Jurid. Rev. 43.
- WHEN MAY PROMISSORY NOTES, MORTGAGES, CONTRACTS, AND BONDS, WITHOUT INDORSEMENT OR ASSIGNMENT IN WRITING, BECOME THE SUBJECTS OF A GIFT CAUSA MORTIS? *Walter J. Lots*. 60 Cent. L. J. 244.

II. BOOK REVIEWS.

- A PRACTICAL TREATISE ON THE LAW OF RECEIVERS, as Applicable to Individuals, Partnerships, and Corporations, with Extended Consideration of Receivers of Railways and in Proceedings in Bankruptcy. By William A. Alderson. New York: Baker, Voorhis & Company. 1905. pp. lxxi, 956. 8vo.

This book, written by the editor of the 1897 edition of "Beach on Receivers," is the latest, and in some respects the most complete, work upon an increasingly important subject. It takes up step by step the proceedings incident to receivership, beginning with the grounds for the appointment of a receiver and ending with his discharge, and treats the whole from a practical point of view. The citations cover a large number of cases, many of them very recent; and so far as possible, the point involved in each is stated separately in the text. This attempt to incorporate at length the holdings of many individual decisions, instead of grouping the cases under statements of general principles, seems to lead to the book's most serious defects. A text-book of law, if it is to be of the highest value to the profession, should contain an orderly exposition of the underlying principles of the subject under discussion in order that the reader may obtain with the least effort a grasp of the law as a whole; and, in addition,

it should furnish a reasonably complete citation of the authorities which establish those principles. In these days of exhaustive digests the peculiar contribution of a text-book to the advancement of legal knowledge is found in its exposition of principles and criticism of decisions rather than in its collection of cases. Mr. Alderson has made a very satisfactory collection of cases. But instead of developing his own statement of the underlying principles, he has endeavored to describe them by combining and arranging the short points of the cases cited, for the most part without explanation, criticism, or dissent on his part as to the value of each decision. The result is that a reader not already familiar with the subject has difficulty at times in following the development of the thought or even the meaning of the writer. Thus in § 173 one reads: "A receiver appointed in one state does not take title to property in another. In a statutory proceeding by the attorney-general for the dissolution of a corporation, . . . it was held that the receiver became invested with the title to all the corporation's property, wherever situated, whether in or without the state: and this though the statute did not so provide." These two statements as they stand are in apparent conflict, and the necessary explanation, namely, that in the second case the receiver was not an ordinary receiver, but a statutory receiver, a sort of universal successor to the defunct corporation, is not supplied by the author. Again, in § 262, in treating of the liability of a succeeding receiver on contracts of his predecessor, the author states: ". . . contracts made by a preceding receiver impose no legal duty or obligation upon his successor, and damages cannot be recovered at law against the succeeding receiver for refusing to perform the contracts of his predecessor." Five lines further on he says: "As a general proposition it may be asserted that a succeeding receiver is bound by the contracts of his predecessor." Possibly he means is bound *in equity* in the sense that the court will order him to perform such contracts, but he does not say so nor imply it by the context.

Furthermore, the making of a separate statement in the text for each case cited in the footnotes, which is the prevailing practice in this work, necessarily leads to exasperating repetition. Examples are found in §§ 42, 48, and in § 169. It is not unjust to say that the book contains many such instances of unnecessary repetition and of apparently conflicting statements. In fairness to Mr. Alderson, however, we note that the present work is in fact a revision and enlargement of "Beach on Receivers," rather than a new treatise, even adopting for the most part the exact language and citations of Beach; and the faults to which attention has been called are largely those found in the earlier work, though they are aggravated by the attempt of the present author to graft a mass of new authorities upon the old without changing the structure of the whole.

Another prominent fault is the lack of original discussion of the authorities. Very infrequently does the author express any opinion whatever upon the state of the law. He does, however, heartily condemn the appointing of the so-called "friendly receiver," in which, we believe, he is doing good service to the administration of justice. The last chapter of the book, which contains in the author's own words a clear and convenient summary of the whole field of receivership proceedings, is in many respects the best. It is to be regretted that the same clear, original statement does not extend throughout the work. Still, this text-book, while it does not contain the final statement of the law of receivership, is a useful and full collection of authorities, intelligibly arranged and adequately indexed, and as such will doubtless prove of service to the profession.

H. LEB. S.

DUNLAP'S ELEMENTARY LAW. By M. E. Dunlap. Third Edition. Revised by T. F. Chaplin. St. Louis: The F. H. Thomas Law Book Co. 1905. pp. v, 600. 8vo.

There is grave doubt in the minds of the teaching fraternity of the legal profession as to whether any completely satisfactory book on elementary law, embodying the general principles, rules, and definitions of all its branches,